

Subservient *and* Unaccountable

A SHADOW REPORT ON THE BAHRAINI OMBUDSMAN
FOR THE MINISTRY OF THE INTERIOR AND
BAHRAIN NATIONAL INSTITUTE FOR HUMAN RIGHTS



**Americans for Democracy
& Human Rights in Bahrain**

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



Subservient *and* Unaccountable

A SHADOW REPORT ON THE BAHRAINI
MINISTRY OF THE INTERIOR'S OMBUDSMAN AND
BAHRAIN NATIONAL INSTITUTE FOR HUMAN RIGHTS

Updated October 2014

©2014, Americans for Democracy and Human Rights in Bahrain (ADHRB) and the Bahrain Institute for Rights and Democracy (BIRD). All rights reserved.

Americans for Democracy and Human Rights in Bahrain is a non-profit, 501(c)(3) organization based in Washington, D.C. Through engagement with U.S. government officials, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy and human rights in Bahrain.

The Bahrain Institute for Rights and Democracy is a London, UK based non-profit organization focusing on advocacy, education and awareness for the calls of democracy and human rights in Bahrain.

Americans for Democracy and Human Rights in Bahrain
1001 Connecticut Ave. Northwest, Suite 205
Washington, DC 20036

202.621.6141

www.adhrb.org

Bahrain Institute for Rights and Democracy

www.birdbh.org

Table of Contents

Executive Summary.....	4
Methodology	6
Office of the Ombudsman of the Ministry of Interior	7
A. Background	7
B. Standards	7
C. Failure to Meet Standards	8
Bahrain National Institute of Human Rights	17
A. Background	17
B. Standards	17
C. ICC Accreditation	18
D. Technical Problems with the B-NIHR	19
Conclusion	25
Response to B-NIHR Report	26
Recommendations	28
Appendix 1	30
Appendix 2	34

Executive Summary

This report explores the work of the Bahraini Ministry of Interior Ombudsman and the Bahrain National Institute for Human Rights, measuring their progress as human rights institutions and their ability to defend human rights in Bahrain. The report evaluates both institutions based on information publicly provided by both offices and taken directly from victims on the ground, as well as in the context of human rights developments in the country.

The Bahraini government established the Office of the Ombudsman – Ministry of the Interior (MOI) on 28 February 2012 as part of a goal to achieve political and institutional reform and to promote human rights. The Ombudsman is responsible for ensuring that employees of the Bahraini MOI interact with the public in a manner that is respectful of human rights. In addition to well-established international norms, these responsibilities are governed by three sets of standards, set forth by the Bahrain Independent Commission of Inquiry, the International Ombudsman Institute, and the Ombudsman’s self-reported standards. These self-reported standards can be found in the Ombudsman’s “First Annual Report” published in 2014.

The Ombudsman has failed to meet most of these standards. Most significantly, the Office fails to meet international guidelines by lacking independence from the Bahraini Ministry of Interior. According to the mandate of the Ombudsman and the self-reported guidelines as described by the Ombudsman’s report, the Ombudsman is obligated to discharge his duties in a manner that reflects well upon the Ministry of the Interior and does not undermine the credulity of the Ministry in the eyes of the public. Additionally, the Ministry of Interior has the power to halt Ombudsman public investigations by initiating internal, private investigations handled by the MOI Special Investigations Unit. The ability of the Office of the Ombudsman to effectively criticize Ministry of Interior policy and behavior is compromised by MOI oversight and control of the institution.

The Ombudsman’s report failed to address key issues such as torture and arbitrary detention in Bahraini prisons. This failure occurs despite the Office having received numerous complaints detailing instances of arbitrary detention and torture, including complaints submitted by ADHRB. ADHRB’s own findings on the human rights of detainees in Bahrain reveals that many political prisoners complain of issues concerning torture, enforced disappearance, and arbitrary detention. The Ombudsman’s report does not comment on these issues. Additionally, even where the Ombudsman addresses issues related to his mandate, such as prison capacity, humane treatment and conditions, rights and guarantees, and healthcare, the Ombudsman fails to provide meaningful commentary.

The Ombudsman also fails to properly engage in prison investigations in Bahrain. Although the Ombudsman promises to engage in a comprehensive prison review process, the Office has thus far only reviewed Jaw Prison, the primary detention center for convicted persons. The Office’s choice of its initial review is problematic; the vast majority of human rights violations occur prior to conviction as the government moves to secure confessions by any means possible, up to and including torture. Because of this, the largest proportion of human rights violations occur in nearly every other detention center besides Jaw Prison. As a result of the report failing to mention the substantial issues of torture, arbitrary detention, and enforced disappearance, and also focusing on the post-conviction (Jaw) prison, the Ombudsman’s report effectively masks substantial human rights concerns critical to his mandate.

Additionally, the Ombudsman's Office suffers from a lack of independence regarding its personnel. The Secretary General of the Ombudsman, Nawaf al-Moawda, is connected to departments within the Bahraini government that the Ombudsman is charged with monitoring. This is particularly concerning in light of Mr. al-Moawda's previous employment in the public prosecutor's office, which is implicated in many of the human rights abuses that his Office is now mandated to review.

The Bahrain National Institute for Human Rights (B-NIHR) was established in 2009 by royal decree. Its activities are intended to fall in line with the ideals laid out in the Paris Principles, a set of guidelines developed by the United Nations (UN) to govern all National Human Rights Institutes (NHRI) around the world. According to the Principles, in order for such an organization to make progress in protecting human rights and thus fulfill its mandate, it must first establish firm independence from the government. Additionally, it must be transparent such that the public can hold it accountable and believe in its credibility. The personnel managing the activities within the institute must also be individually free from pressure and influence from the government. The UN awards accreditation to those institutes which comply with all of the Paris Principles and prove that they are independent, credible, and actually capable of carrying out activities and actions to protect human rights.

The B-NIHR is not yet a successful human rights institute and has not yet obtained accreditation from the UN. First and foremost, the Institute is not independent from the Bahraini government. The B-NIHR maintains personnel who were or still are involved in the government in some capacity, including members formerly employed by the Ministry of the Interior and the Office of the Public Prosecutor. This alone compromises the independence of the B-NIHR. Beyond personnel issues, however, the B-NIHR also has significant structural problems in its mandate: the king takes personal responsibility for B-NIHR activities, as laid out in the organization's constitution. This is a significant obstacle preventing the B-NIHR's independence, because the king exercises control over the activities that the B-NIHR may attempt to carry out while additionally exercising similar levels of control over institutions the B-NIHR is meant to review. Additionally, the B-NIHR functions with a certain level of obfuscation in reporting its leadership composition and organizational activities to the international community; at the time of this writing, the B-NIHR had yet to release a public report on its activities in the five years of its existence. As a result of these combined factors, the B-NIHR suffers from an accountability problem; rather than holding the government accountable for human rights derogations, the government holds the B-NIHR accountable for its criticisms of the government.

Because the B-NIHR has yet to release an annual report to the public, it is difficult to judge the B-NIHR on past action. However, because an NHRI in compliance with the Paris Principles is obligated to perform a number of activities in defense of human rights in its country, it is possible to grade the NHRI on its omissions in addition to its activities. Unfortunately, when examining the B-NIHR record, the Institute's activities leave much to be desired. Since the establishment of the B-NIHR, ADHRB has cataloged multiple events in which the government took actions seriously detrimental to the status of human rights in the country and the B-NIHR either failed to act to prevent government action or explicitly endorsed the violation of human rights.

In July 2013, for example, the Bahraini National Assembly passed a set of 22 recommendations which constitute serious violations of basic human rights. These recommendations banned all gatherings and sit-ins in the capital city of Manama, chiefly including peaceful political protests. On the day that the National Assembly endorsed the recommendations, the B-NIHR publicly praised the recommendations and stated that the recommendations would be consistent with

Bahrain's international human rights commitments. In the same statement, the B-NIHR called for the country to "stand behind the Kingdom's wise leadership." In a separate action, the government also passed additional legislation restricting discourse and dialogue between representatives of foreign governments and non-governmental actors, including members of the opposition. Not only did the B-NIHR remain silent while this legislation passed, but it has yet to come out against the legislation as a violation of human rights. Similarly, the B-NIHR has failed to condemn the ineffectiveness of the Office of the Ombudsman, or speak against government prosecution of political activists and peaceful protesters in a manner that violates their human rights. As a result, cases in which the B-NIHR criticized the government for acting to the detriment of human rights do not make themselves obvious.

In summary, neither the Office of the Ombudsman of the Ministry of the Interior nor the Bahrain National Institute for Human Rights demonstrate the necessary independence from the government and have failed to take proper action in the face of human rights abuses to be considered functioning human rights institutions. Instead, their close relationship with the Government of Bahrain combined with their record on human rights issues makes them not fit for purpose; far from displaying behavior characteristic of human rights defenders, the institutions appear more supportive of continuing the government status quo of restricting citizens' human rights. Before these institutions can be taken seriously, they must improve their respective track records in addressing the human rights deficiencies in the country.

Methodology

This report is the product of significant on-the-ground research supplemented by an extensive literature review. In order to accomplish pertinent research into both the activities of the Office of the Ombudsman and the Bahraini National Institute for Human Rights, ADHRB staff interviewed the relatives of approximately thirty victims of human rights violations in Bahrain. After analyzing the information in order to identify trends in human rights practices in the country, ADHRB used the information to prepare and submit complaints to the Ombudsman's Office to inform the Office of human rights abuses and document the Ombudsman's process efficacy. Excerpted and anonymized information from a limited number of those complaints is presented in Appendix 1 of this report. ADHRB supplemented its own internal documentation of Ombudsman and B-NIHR efficacy with an extensive desk review incorporating sources from a variety of institutions, including, but not limited to, news sources, government reports, and external non-governmental organization documentation.

A. Background

The Bahraini government established the Office of the Ombudsman – Ministry of the Interior (MOI) on 28 February 2012 as part of a goal to achieve political and institutional reform and to promote human rights. The Office's objective is to ensure that employees of the Bahraini MOI interact with the public in an appropriate manner that is respectful of human rights.¹ The Office is also meant to ensure that the Bahraini government implements the recommendations issued in Bahrain Independent Commission of Inquiry (BICI) Report: Digital (1717) and (1722), paragraph (D).²

More specifically, the Office has responsibilities related to the oversight of the treatment of prisoners and detainees. It functions by receiving complaints from citizens in the community or in places of detention, expatriates (or even visitors) or their representatives. These complaints can also be submitted by witnesses or civil society organizations. The Office visits prisons, places of juvenile care, and places of custody and detention, to verify the appropriate application of legal procedures and to ensure that prisoners are not subjected to torture, cruelty, or inhumane and degrading treatment.³

B. Standards

1. Bahrain Independent Commission of Inquiry

According to the government, the Office of the Ombudsman is responsible for adhering to the standards established in the BICI Report. Section 1717 of the BICI report established the need for an Office of the Ombudsman and emphasizes the necessity of the office to maintain independence from the Ministry of Interior's hierarchal control.⁴ In accordance with these directives, the Secretary General of Grievances who leads the Office of the Ombudsman, Nawaf al-Moawda (*alternately* al-Muaawdah), stated that the Office of Appeals will exercise its functions in a framework of independence and in a neutral, impartial and transparent manner. This is to ensure accountability for any abuses and in order to establish respect for human rights, justice and the rule of law in accordance with the will of His Majesty the King of Bahrain and the recommendations of the Independent Commission for Truth.

2. International Ombudsman Institute

The Office of the Ombudsman is subject to the standards of the International Ombudsman Institute (IOI) through its voluntary membership. In the annual report released by the Ombudsman, the Office promoted its membership in the International Ombudsman

1 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

2 Bahrain Independent Commission of Inquiry, Report of the Bahrain Independent Commission of Inquiry. By Mahmoud Cherif Bassiouni, Nigel Rodley, Badria Al-Awadhi, Philippe Kirsch, and Mahnoush H. Arsanjani. Manama, Bahrain. 2011.

3 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

4 Bahrain Independent Commission of Inquiry, Report of the Bahrain Independent Commission of Inquiry. By Mahmoud Cherif Bassiouni, Nigel Rodley, Badria Al-Awadhi, Philippe Kirsch, and Mahnoush H. Arsanjani. Manama, Bahrain. 2011.

Institute.⁵ Specifically, the Office promoted its acceptance into the IOI through the means of a review process which determined that the Bahraini Ombudsman adheres to international, independent complaint investigations standards and conditions. The IOI requires that an Ombudsman seek to protect persons from maladministration, violation of rights, unfairness, abuse, corruption, or any injustice caused by a public authority. It requires that an Ombudsman act in confidentiality and remain independent of the public authorities that it is seeking to review. The Ombudsman should also have the power to receive complaints and should fully review these complaints and take appropriate action.⁶

3. Self-Reported Standards

The self-reported standards to which the Office adheres include independence, credibility, impartiality, accountability, and transparency.⁷

C. Failure to Meet Standards

1. General

The standards set forth by the BICI, IOI, and the Bahraini Office of the Ombudsman attempt to establish an independent organization.⁸ This organization is meant to promote human rights, justice, and accountability in Bahrain. As one of the recommendations made in the BICI, the Bahraini Ombudsman should hold the government accountable for any actions that are not in alignment with the BICI recommendations or other international standards such as those set forth by the IOI. The self-reported standards that guide the Ombudsman are significantly less comprehensive than other standards. However, this does not narrow the goals of the Ombudsman. Generally, the Bahraini Ombudsman should seek to constructively criticize the Bahraini government, in particular the MOI, whenever possible. In order to be able to provide helpful critiques, the Ombudsman must remain independent and objective.

The Ombudsman primarily contradicts the recommendations and standards set forth by the BICI, IOI, and self-reported standards, through lacking independence from the Ministry of the Interior. Contrary to BICI recommendations, which require the independence of the Secretariat of Grievances, the office is under the supervision of the Ministry of the Interior.⁹ When employees of the MOI commit human rights violations such as theft, destruction of private property, torture, and extrajudicial killings, the MOI as

5 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

6 International Ombudsman Institute, International Ombudsman Institute (IOI) Bylaws. General Assembly. Wellington, New Zealand. 2012.

7 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

8 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.; see also International Ombudsman Institute, International Ombudsman Institute (IOI) Bylaws. General Assembly. Wellington, New Zealand. 2012.; see also Bahrain Independent Commission of Inquiry, Report of the Bahrain Independent Commission of Inquiry. By Mahmoud Cherif Bassiouni, Nigel Rodley, Badria Al-Awadhi, Philippe Kirsch, and Mahnoush H. Arsanjani. Manama, Bahrain. 2011.

9 "About the Ombudsman," last modified (unknown), <http://www.ombudsman.bh/about>.

a body should be held legally responsible.¹⁰ Considering the Ombudsman's apparent lack of independence from the MOI, however, it is unclear as to whether or not the Ombudsman is capable of holding its supervisory institution accountable; because the Ombudsman fails to act independently of the MOI, the MOI is effectively reviewing complaints against itself. The result is that the Ombudsman continually ignores complaints against the MOI by classifying them as not concerning the MOI or as resolved or not upheld.¹¹

In addition to lacking independence, the Office has openly misrepresented its actions to the international community. In a statement made at the United Nations Human Rights Council's 26th Session in June 2014, the Office claimed to have responded to every complaint it had received. Americans for Democracy and Human Rights in Bahrain (ADHRB) has submitted multiple complaints to the Ombudsman, and has only received responses in approximately half of all cases reported.¹² The Office of the Ombudsman continued this misrepresentation through the publication of its *First Annual Report 2013/2014*. While this report contains sections on prison conditions, deaths in detention, and institutional functions, it fails to address key, well-documented problems in the Bahraini prison system, such as arbitrary detention, torture, and the Ombudsman's failure to effectively respond to complaints submitted to the Office.¹³

2. Prison Conditions

The Ombudsman states that it visits prisons, centers of juvenile care, pre-trial centers and detention centers to confirm that the detention arrangements are legal and that the detainees are not subjected to torture and inhumane or degrading treatment. In order to assess the standard of care in detention centers, the Ombudsman issued the first prison and detention facility visit standards in the Gulf Cooperation Council. They are divided into three sections: treatment and conditions, individual rights, and health care. The Ombudsman's report omits mentioning arbitrary detentions or torture in its evaluation of prison conditions, the evaluation of which is essential to the advancement of the humane treatment of prisoners. The majority of complaints submitted by ADHRB to the Ombudsman include cases of arbitrary detention and torture.¹⁴ The Office's report on Jaw Prison serves as an example of the incomplete and misleading review of prison conditions currently conducted by the Ombudsman.¹⁵

3. Jaw Prison Visit

The only specific example of a prison visit mentioned in the report is the Ombudsman visit to Jaw Prison.¹⁶ The choice of Jaw Prison for the initial report is dubious; many prisoners are transported to Jaw after conviction, and most torture and abuse occurs before conviction in order to obtain a false confession. Although the Ombudsman implies

10 "Bahrain: Ministry of Interior Ombudsman Does Not Prevent or Investigate Human Rights Violations," last modified October 14, 2013, <http://www.bahrainrights.org/en/node/6449>.

11 Ministry of the Interior, Bahrain Independent Ombudsman, *First Annual Report 2013/2014*. Manama, Bahrain. 2014.

12 Appendix 1.

13 Ministry of the Interior, Bahrain Independent Ombudsman, *First Annual Report 2013/2014*. Manama, Bahrain. 2014.

14 Appendix 1.

15 Ministry of the Interior, Bahrain Independent Ombudsman, *First Annual Report 2013/2014*. Manama, Bahrain. 2014.

16 *Ibid.*

that it will visit other prisons, ADHRB has yet to find evidence that it has done so.

The Jaw Prison inspection occurred in early September 2013. The Ombudsman, with the help of the prison administration, selected prisoners at random in order to ensure impartiality and objectivity. Ombudsman officers interviewed and questioned prisoners about prison conditions, and reviewed documents including records of meetings and directives, staff records, and information and statistics to determine the direction and styles of the administration. Finally, Ombudsman staff interviewed the director and the officers to assess the maintenance of buildings, personnel training, risk management, and the plan for psychological and physical health for prisoners. The following categories summarize the Ombudsman's findings in Jaw Prison:¹⁷

Capacity: The Ombudsman reported that the total capacity of the seven buildings comprising Jaw Prison stands at a maximum of 1201 prisoners. Jaw Prison currently houses 1608 prisoners, and as such is approximately 25% over capacity. The Office additionally noted that there are 21 prison personnel dealing directly with the prisoners per shift.¹⁸ According to the Ombudsman, Bahraini prisons are significantly overcrowded and potentially understaffed.

The Ombudsman accurately describes the current status of overcrowding in Bahraini prisons. However, the emphasis placed on the lack of capacity directs attention away from other pressing issues such as torture, abuse, and deaths in detention.¹⁹

Humane Treatment and Conditions: The report noted evidence of good practice with regard to detention conditions and treatment of detainees but also described significant concerns. In his report, the Ombudsman primarily noted shortcomings in maintenance, inconsistency in temperature, lack of availability to medical personnel, cells without toilets, and low standards of cleanliness. There are not enough beds for prisoners; as a result, prisoners between the ages of 15-18 are not divided from the adult detainees. Prison personnel also lack training in how to properly deal with prisoners, and there are no social workers at the facility. There is minimal opportunity for prisoners to engage in education and recreation activities. There are also insufficient phone booths and a deficiency in the quantity and quality of available reading material.²⁰

Although the records of such prisons may indicate good practice, there is substantial reason to doubt the validity of the methodology of these reports. To begin, the factual accuracy of the Ombudsman's report must be called into question due to the possibility that prisoners may fail to accurately report negative experiences due to fear of retaliation when Ombudsman officers leave the facility. Additionally, the Ombudsman relied heavily on the prison's own internal reports.²¹ Reliance on the prison's self-reported documents as a means to determine current conditions in detention facilities exhibits a lack of independent review required by the Ombudsman's mandate; the Ombudsman does not question the veracity of internal prison documents, and thereby fails to adequately independently investigate the MOI.

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.

Beyond methodological reasons to doubt the legitimacy of the report, the testimonies of prisoners themselves indicate a pattern of torture and abuse not addressed in the report. In Jaw, ADHRB has documented evidence of collective punishment including mass beatings and denial of medical treatment, such as in the cases of Mr. N and Mr. O described in the Appendix.²² In other prisons, ADHRB and other organizations have documented evidence of systemic inhumane practices.²³ The report does not document any evidence of such practices in Jaw.

Rights and Guarantees: The report asserts that prisoners are able to consult with their attorneys, that procedures ensure their ability to inform their families of their whereabouts, and that prisoners also receive a copy of documents which outline their legal rights. The report also states that all prisoner documents are checked for accuracy.²⁴

While this may be the case in a minority of instances, ADHRB's experience finds that prisoners have inconsistent access to their families and attorneys.²⁵ In many cases, prisoners are actively prevented from notifying their families of their post-arrest whereabouts for days or weeks at a time, although admittedly this often occurs away from Jaw prison. This was the case of Mr. K, whom authorities did not allow to contact his attorney until 45 days after his initial arrest. By that time, Mr. K had already been tortured and had issued a false confession.²⁶ Additionally, many prisoners are forced to sign false confessions under torture which are then used to convict prisoners and sentence them to detention in Jaw Prison. If prisons such as Jaw base the legality of detention on a false confession or conviction based on a false confession, then the assertion of legality and accuracy of these documents is a misrepresentation.

The Ombudsman additionally noted issues related to the ability of prisoners to submit complaints, including a lack of complaint boxes throughout the prison. However, the issues recognized in the report fail to address the paramount problem of prisoner inability to submit complaints due to the threat of severe retaliation. The Ombudsman alludes to this problem in a recommendation at the end of the report. However, the report only mentions "setting up clear and specific procedures on complaint, grievances and the protection of complainants" but gives no meaningful suggestions on how to do so.²⁷ Once again, the Ombudsman presents itself as addressing issues without providing legitimate recommendations.

Health Care: The report asserts that health care is provided to prisoners in the medical department or in an outside hospital. It also asserts that all medical examinations are confidential and patients are properly treated. However, these assertions run contrary to the findings of ADHRB, which often submits complaints to the Office of the Ombudsman concerning the denial of adequate medical treatment. The Ombudsman admits that medical care may not be given in a timely manner; however, many prisoners claim to never receive medical attention.

²² Appendix 1.

²³ Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

²⁴ Ibid.

²⁵ Appendix 1.

²⁶ Ibid.

²⁷ Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

The Ombudsman also claims that medications are distributed properly at the prison and mental health is properly addressed. Although it cannot be verified that this is not the case in Jaw Prison, prisoners have provided contradictory information. In the case of Mr. M, for example, the administration of Jaw prison denied medication to a man suffering from AIDS.²⁸ As a result of this denial of medication, Mr. M perished as a result of AIDS-related complications while in Ministry care.

4. Arbitrary Detention

The report issued by the Ombudsman fails to address the use of arbitrary detention by the MOI as a tactic for suppressing political and social activism. The majority of the complaints submitted by ADHRB to the Ombudsman document cases of arbitrary detention.²⁹ Many prisoners are first arrested in their homes or other private spaces, often in the middle of the night. Their families are unaware of their whereabouts for hours or even days. Sometimes, the families of the prisoners go to prisons and are given false information concerning prisoner whereabouts. The government often denies ever having detained a prisoner, even after arresting a prisoner hours or days before.

Many prisoners are arbitrarily detained by MOI officers dressed in civilian clothes. The officers fail to present a warrant and usually bring prisoners to police stations, black out sites, or the Criminal Investigatory Directorate (CID) building. The Ombudsman pretends to address this issue by recommending that all police officers wear their identification numbers in the open so that the public can identify them.³⁰ However, while police officers usually wear uniforms and are easily identifiable, the Ombudsman does not recommend that any other security personnel employed by the MOI officers wear visible identification. This is despite the fact that non-police MOI officers, including personnel under the authority of the MOI CID, are usually the ones found to have conducted arbitrary detentions.

The Ombudsman's report completely ignores this growing problem of the treatment of detainees *before* they are imprisoned. For example, the Ombudsman focuses on the capacity issues in prisons such as Jaw, but fails to investigate whether or not the prisoners held in these facilities are legally detained.

5. Torture

The report issued by the Office of the Ombudsman also fails to address the prevalent issue of torture in Bahraini prisons. The word "torture" does not appear at all in the 107 pages of the report, while the subject of abuse is only tangentially addressed as it relates to police training standards. This is problematic; the BICI report recommended establishing an Office of the Ombudsman in part to counteract what it considered to be "systemic" practices of torture and abuse in the Bahraini prison system.³¹ An Ombudsman's Office failing to address the subject of torture also fails to international standards on the treatment of detainees.

28 Appendix 1.

29 Appendix 1.

30 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

31 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

The omission of discussion regarding torture in the Ombudsman's report must be deliberate, as the Ombudsman has been repeatedly put on notice that torture is a regularly-occurring practice in Bahrain. Not only did the BICI report find evidence of systemic practices of torture, but the BICI also documented a significant number of individual cases in which torture occurred.³²ADHRB itself has documented numerous instances of torture and reported these occurrences to the Ombudsman through the complaint process, giving the Ombudsman effective notice that torture is a regularly occurring practice in Bahrain.³³Even in the unlikely event that Ombudsman employees are not encountering evidence of torture in their site visits and routine investigative efforts, the complaint program has provided overwhelming notice of torture and abuse; ADHRB alone has submitted 30 complaints documenting instances of torture, while other NGOs on the ground have additionally raised a significant number of complaints on the subject.³⁴

Many cases reported to the Ombudsman by ADHRB indicate that torture is often used to extort false confessions from detainees. This was the case of Mr. P, a Bahraini activist who experienced significant beatings and sexual assaults until he forcibly confessed to terrorist-related activities.³⁵Numerous individuals are targeted for their political and social views and taken into custody by MOI officers. These victims are then tortured into falsely confessing to a variety of crimes. Once these confessions are documented, they are presented as evidence at trial, contrary to Bahraini obligations under the Convention against Torture.³⁶By refusing to address complaints of torture, the Ombudsman allows the continuation of human rights violations and the deterioration of the Bahraini judicial system.

The Ombudsman's report additionally failed to address the subject of Jaw prison failing to provide appropriate medical treatment for victims of torture. ADHRB has received several troubling reports that victims of torture suffering extensive injuries including, but not limited to, fractured bones and vertebrae, loss of sight and hearing, lingering dizziness and confusion, and even life-threatening conditions such as loss of blood have not received appropriate medical treatment or have received inadequate medical treatment in Jaw prison. Although several of ADHRB's complaints to the Office of the Ombudsman address the issue of medical attention and services provided for victims of torture, the Ombudsman's report fails to speak on the subject.

Finally, the only detention center specifically addressed in the Ombudsman's report is Jaw prison.³⁷ This creates suspicion that the Office is purposefully avoiding the issue of torture. Most torture occurs before sentencing, as torture is most often used to extort a false confession. As such, most torture occurs at pre-conviction detention facilities, such as police stations, the CID building in Adliya, or Dry Dock detention center. Jaw prison is a

32 Bahrain Independent Commission of Inquiry, Report of the Bahrain Independent Commission of Inquiry. By Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Philippe Kirsche, and Mahnoush H. Arsanjani. Manama, Bahrain. 2011. pp. 299-300.

33 Appendix 1.

34 Ibid.

35 Ibid.

36 "CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment," Last modified January 25, 1997, <http://www.hrweb.org/legal/cat.html>.

37 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

post-conviction detention center; most prisoners in Jaw have already confessed, have been convicted and are serving sentences. As a result, torture is less likely to occur as a regular practice in Jaw as compared to pre-trial detention facilities such as Dry Dock or CID.

6. Complaint Process

Despite its failure to address most major issues in the Bahraini prison system, the Office has received an increase in the number of complaints. The Ombudsman views this increase as indicating a rise in public confidence placed in the Office, and feels that placing complaint boxes in all police districts, police stations, correction and rehabilitation centers and other agencies of the Ministry of the Interior will facilitate open communication between the Office and prisoners and detainees. However, when prisoners and detainees are closely watched, kept in solitary confinement, and not allowed to move freely throughout the prisons, it is unlikely that these boxes will prove effective in raising the most serious abuses to the Ombudsman's attention. Additionally, as the Office continues to selectively choose which complaints upon which it will act, public trust in the Office will continue to degrade.

The Ombudsman has also failed to address complaints submitted from international organizations despite viewing its complaint submission process as an integral part of promoting transparency and human rights in Bahrain. ADHRB has submitted thirty complaints to the Ombudsman, and has only received a response in half of the cases that it raised.³⁸ Additionally, beyond the Ombudsman's failure to respond to complaints that it receives, the Ombudsman has created a complaint process that is ineffective. The complaint form itself is not helpful in indicating many potential types of complaints, and is designed in such a fashion that it may in fact deter individuals from submitting complaints due to fear of retaliation. See Appendix 2 for further analysis of the Ombudsman's complaint form.

7. Deaths in Detention

The Ombudsman's report briefly addresses deaths in detention.³⁹ This section primarily focuses on medical treatment and care, and includes categories describing events including suicide, injury resulting from a firearm, injuries following a traffic accident, natural causes, chronic diseases, drug overdose, heart attack following a fight, negligence/medical abuse, and ongoing investigations.

Notably, the Office of the Ombudsman appears to be practicing either selective review or self-censorship in its reporting, as several cases about which government awareness is documented appear to have been omitted. These include, but are not limited to, a man dying of HIV/AIDS-related complications in 2013 while in government custody, and a man dying of shotgun-related wounds in 2012.⁴⁰ According to the report, neither case appears to have been investigated despite the Office receiving a complaint and/or the Office becoming independently aware of such government-related homicide.

Additionally, the mandate of the Office of the Ombudsman appears to be limited with

38 Appendix 1.

39 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain. 2014.

40 Appendix 1.

regard to its ability to investigate certain types of deaths. According to the report, the Ombudsman cannot investigate allegations of government misconduct in a death when the MOI Special Investigation Unit (SIU) undertakes its own review. As a result, the MOI can preempt the Ombudsman from investigating cases that the MOI considers problematic to its reputation. For example, the Ombudsman received and attempted to investigate a complaint regarding a 19-year-old whom the Ombudsman refers to as Mr. D, who perished from gunshot wounds on 8 January 2014. The case of Mr. D almost undoubtedly refers to the death of 19-year-old Fadhel Abbas, who died on 8 January 2014 from a gunshot wound to the back of his head and about whose death substantial government misconduct has been alleged.⁴¹ When the Ombudsman attempted to investigate the allegations of government misconduct, the Special Investigation Unit commenced its own private investigation, thereby preempting public reporting on the issue. According to the Ombudsman's report, the SIU has blocked Ombudsman investigations on multiple occasions.⁴²

The avoidance of investigation into the legitimate cause of death and the preemption of Ombudsman investigations by the MOI indicate that the Ombudsman and the government are ignoring torture and other misconduct by MOI officers in its investigations. By failing to report that abuse and torture often create problems leading death or irritate a condition resulting in death, the Ombudsman's Office acts disingenuously and masks the true cause of death.

8. Personnel

Beyond conceptual issues or problems with implementation, the personnel that compose the Office of the Ombudsman is problematic. Nowhere is this more obvious than in the man leading the Office of the Ombudsman, Secretary General Nawaf al-Moawda.

On the surface, al-Moawda appears to fit well with the Office of the Ombudsman. He has actively promoted his support of human rights, being on the record as stating, "My top priorities are to respect the dignity and rights of the citizens of Bahrain in accordance with the constitution and international human rights standards," and, "I am committed to upholding the principles within the new Police Code of Conduct and know that this is an important step in beginning to build trust and mutual respect between the community and the police."⁴³ He has also openly promised that the Ombudsman will conduct independent investigations and will adopt an honest, neutral, professional and transparent approach to all investigations of police misconduct.

A closer look at al-Moawda's resume, however, reveals that he has substantial ties to the government and a significant interest in maintaining the status quo. First, al-Moawda previously worked in the public prosecutor's office. The public prosecutor's office plays an integral role in convicting prisoners and, if left unchecked, can commit serious violations of both Bahraini and international law. ADHRB has submitted numerous complaints to the Office of the Ombudsman in which prisoners claim that the public prosecutor's office

41 Unnamed Picture. http://s9.postimg.org/q448ewi4f/Bf_Dgy_Hc_IIAAWwz_T_jpg_large.jpg; see also Appendix 1.

42 Ministry of the Interior, Bahrain Independent Ombudsman, First Annual Report 2013/2014. Manama, Bahrain.

43 "New Police Ombudsman Commits to Accountability, Transparency and Justice for Victims of Police Misconduct," Last modified August 25, 2012, <http://bna.bh/portal/en/news/521894>.

was complicit in their torture and used false confessions gained through torture in order to obtain convictions.⁴⁴ Al-Moawda's connection with the office of the public prosecutor may have played a role in influencing the Ombudsman's Office to fail to investigate these allegations.

Additionally, al-Moawda has previously held posts in the Ministry of Information. Although he never worked in the Ministry of Interior, he has substantial government connections which may influence his ability to act as an independent check on the Bahraini government.

Finally, the king was instrumental in choosing al-Moawda to lead the Ombudsman Office. This is troubling, because it indicates a lack of independence for the Ombudsman; the king also appointed the Minister of Interior, whom the Ombudsman is mandated to oversee. Additionally, considering recent developments in Bahraini legislation increasing the penalties for insulting the king, there is concern that al-Moawda's appointment by the King will prevent the Ombudsman from critiquing the government.⁴⁵ As detentions for actions such as insulting the king increase, it is important that the Ombudsman acts as an objective voice and reminds the Bahraini government of its responsibility to implement the BICI recommendations and uphold internationally accepted human rights standards.⁴⁶

Al-Moawda is far from the only member of the Office of the Ombudsman with connections to the government; in fact, ADHRB and other institutions have found that the Ombudsman's Office is regularly staffed by former government members, including those associated with the Ministry of Interior. However, al-Moawda's appointment as the head of the Office is indicative of a significant problem. In order for the Office of the Ombudsman to credibly state that it is independent from the government, it must distance itself not only from government rhetoric, but also government personnel. The Ministry of Interior cannot be allowed to oversee itself.

44 Appendix 1.

45 "King of Bahrain to jail subjects for seven years if they insult him," Last modified February 5, 2014, <http://www.mirror.co.uk/news/world-news/king-bahrain-jail-subjects-seven-3115097>.

46 "Failing Grade: A Report Card on the Implementation Status of the Bahrain Independent Commission of Inquiry Report," Last modified February 2013, <http://adhrb.org/wp-content/uploads/2012/11/BICI-Report-Updated-2013.pdf>.

SECTION 2

Bahrain National Institute of Human Rights

A. Background

National human rights institutions (NHRIs) are State organs with a mandate to protect and promote human rights. A mandate can be constitutional or legislative, and the NHRI is funded by the State.⁴⁷ Despite its connection to the State, the NHRI must operate and function independently from the government.⁴⁸ Today, there are over 100 NHRIs operating around the world, 69 of which are fully accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).⁴⁹

The King of Bahrain established the Bahrain National Institution of Human Rights (B-NIHR) by royal decree in 2009.⁵⁰ Immediately, civil society organizations expressed concern about the members and the organization of the B-NIHR. Significant concern arose over the fear that the B-NIHR would become a mouthpiece for government propaganda and lack the independence and credibility necessary to protect and promote human rights in Bahrain.⁵¹ These concerns have been validated, as the B-NIHR has thus far been unable to fulfill its mandate.

B. Standards

In 1991, the first international workshop on NHRIs took place in Paris, resulting in the development of the Paris Principles relating to the Status of National Institutions.⁵² These principles are now broadly accepted as the test of an institution's legitimacy and credibility, and have since been repeatedly reaffirmed by the General Assembly and the Human Rights Council.⁵³ Compliance with the Paris Principles is a key component to receiving accreditation from the ICC.

The Paris Principles set out six central criteria that NHRIs are required to meet: 1) mandate and competence, 2) autonomy from government, 3) independence guaranteed by a statute or Constitution, 4) pluralism, 5) adequate resources, and 6) adequate powers of investigation.⁵⁴ The status of B-NIHR compliance with several Paris Principles is key in determining its effectiveness, independence, and credibility. Without complying with all of the Paris Principles, the B-NIHR cannot be fully functional and able to fulfill its mandate. Unfortunately, the B-NIHR fails to meet several key standards of the Paris Principles. As such, the functionality of the office and the integrity of the organization are called into question.

47 Roles and types of NHRIs, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (July 11, 2014) <http://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx>.

48 Roles and types of NHRIs, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (July 11, 2014) <http://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx>.

49 Following the BICI Report: Need to Restructure NIHR, Bahrain Human Rights Monitor (July 11, 2014) <http://www.bahrainmonitor.org/comments/c-033-01.html>.

50 Following the BICI Report: Need to Restructure NIHR, Bahrain Human Rights Monitor (July 11, 2014) <http://www.bahrainmonitor.org/comments/c-033-01.html>.

51 Hasan Moosa Shafaei, Defaming Members of the National Institution for Human Rights by the BCHR's Position, Bahrain Human Rights Monitor (July 11, 2014) <http://www.bahrainmonitor.org/articles/a-017-01.html>.

52 A brief history of NHRIs, <http://nhri.ohchr.org/EN/AboutUs/Pages/HistoryNHRIs.aspx>.

53 Ibid.

54 ICC Sub-Committee on Accreditation (SCA), International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (July 11, 2014) <http://nhri.ohchr.org/EN/AboutUs/ICC Accreditation/Pages/default.aspx>.

C. ICC Accreditation

The most obvious and important element with which the B-NIHR has failed to comply is applying for and receiving accreditation from the UN. On 3 June 2014, the B-NIHR announced that it will seek UN accreditation “later this month.”⁵⁵ Despite its promise to seek accreditation in June, the B-NIHR had failed to apply for UN accreditation as of mid-July of the same year. On 22 July 2013, the Bahrain News Agency made a similar announcement and reported that the B-NIHR was working towards receiving accreditation from the UN, nearly a year prior to the June 2014 announcement.⁵⁶ It greatly undermines the B-NIHRs commitment to comply with the Paris Principles to have now twice made public commitments to seek accreditation in a period of over a year, and with no action having been taken to actually do so.

The following is a summary of the most relevant specific Paris Principles with which the B-NIHR has failed to comply. First, under Competence and Responsibilities, the B-NIHR is not in compliance with sections 3(b) and 3(c) which state that part of the NHRI’s responsibility is to promote national legislation, regulations, and practices and to encourage ratification of, accession to, and implementation of such human rights legislation and other measures.⁵⁷ The B-NIHR rarely promotes legislation in line with established international human rights norms, although it has in the past endorsed laws that would allow female Bahraini citizens to pass their citizenship onto their children.⁵⁸ More concerning is the B-NIHR’s silence as the government passes laws violating human rights, as was the case when the King of Bahrain approved a law imposing jail sentences of up to seven years for publicly insulting him (especially on Twitter),⁵⁹ when the King approved a series of draconian laws violating human rights in the name of anti-terrorism,⁶⁰ and when the government approved a law curtailing the ability of civil society to freely meet with foreign governments.⁶¹ When the B-NIHR does address human rights issues; it often does so thematically, and in a manner that does not criticize the Bahraini government for well-documented violations occurring along the theme.⁶²

Second, the B-NIHR fails to comply with Section 2 under Composition and guarantees of independence and pluralism of the Paris Principles. This section requires that the NHRI have an infrastructure suited to the “smooth conduct” of its activities, especially focusing on the nature of its funding.⁶³ According to the Paris Principles, an NHRI’s funding enables the NHRI to have its own staff and premises such that it is independent of the state government and is not subject

55 Bahrain seeks UN backing for NIHR, Trade Arabia (June 3, 2014) (July 11, 2014) http://www.tradearabia.com/news/LAW_259357.html.

56 Minister of Human Rights Affairs, Dr. Salah bin Ali Abdul-Rahman: The MoHRA and the NIHR are two wings of human rights work in the Kingdom of Bahrain, Bahrain News Agency (July 22, 2013) (July 11, 2014) <http://www.bna.bh/portal/en/news/572268>.

57 Principles relating to the status of National Institutions (The Paris Principles), Dec. 20, 1993 (July 11, 2014) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

58 NIHR’s Board of Commissioners convenes its 6th regular meeting, Bahrain News Agency (July 23, 2013) (July 17, 2014) <http://www.bna.bh/portal/en/news/572407>.

59 Bahrain toughens penalties for insulting king, Reuters (Feb. 4, 2014) (July 17, 2014) <http://www.reuters.com/article/2014/02/05/us-bahrain-law-idUSBREA140KX20140205>.

60 Recommendations of the Extraordinary Session of the National Assembly, Bahrain News Agency (July 28, 2013) (July 17, 2014) <http://www.bna.bh/portal/en/news/573207>.

61 Leave the Country!, Gulf Daily News (July 8, 2014) (July 17, 2014) <http://gulf-daily-news.com/NewsDetails.aspx?storyid=380687>.

62 Human Rights Monthly Newsletter, National Institution for Human Rights (Sep. 2013) (July 17, 2014) http://www.nihr.org.bh/media/pdf/NIHR_NEWSLETTER_SEPT_2013_En.pdf.

63 Paris Principles, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

to State financial control. However, the independence of the B-NIHR remains significantly compromised, as many members of the B-NIHR maintain posts in the government.⁶⁴

Lastly, there are several requirements under Methods of Operation with which the B-NIHR has failed to comply. These sections hold that an NHRI shall do the following: Establish working groups and set up local or regional sections to assist these groups, maintain consultation with other bodies responsible for the promotion and protection of human rights, and develop relations with non-governmental organizations focused on human rights.⁶⁵ ADHRB's research has established that, while the B-NIHR has engaged in the creation of workshops and coordinated with other human rights mechanisms in Bahrain,⁶⁶ these workshops have been few and far between.

D. Technical Problems with the B-NIHR

The B-NIHR has three main technical problems that contribute to its failure to fulfill its mandate and comply with the Paris Principles. The lack of independence from the government, lack of accountability, and the failure to seek UN accreditation are the biggest obstacles the B-NIHR must overcome in order to fulfill its mandate. The Paris Principles give guidance on how to structure an NHRI to be able to effectively take actions to protect and promote human rights in its home state.

1. Independence from the Government of Bahrain

The first core problem with the B-NIHR is that it is not entirely independent from the government. For example, many members of the B-NIHR were or still are members of the government or are otherwise affiliated with government activities.⁶⁷ Without such independence, not only is the B-NIHR in violation of the Paris Principles, but it cannot function properly in fulfilling its mandate. If the B-NIHR follows Government instructions and if its members feel they cannot exercise their full power, or even if the institution is perceived this way, it will not succeed in fulfilling its mandate. The B-NIHR's failure to stand up for human rights when the National Assembly passed 22 recommendations in July 2013 that severely restricted human rights supports this assertion. A lack of independent behavior can also be seen in the B-NIHR's lack of reaction to the recent charges against leaders of al-Wefaq for meeting with a high-level U.S. diplomat.⁶⁸

Another key indicator of the B-NIHR's lack of independence from the government is that the King is responsible for guaranteeing the B-NIHR's projects and recommendations be "executed successfully."⁶⁹ According to Article 4 of the Royal Decree, which established the B-NIHR, the King's constitutional authority over the B-NIHR means that the success of the B-NIHR is based, at least in part, on the King's support.⁷⁰ Where the B-NIHR has to rely, or feels that it must rely on the King and the government to successfully execute its projects and recommendations, independence from the government cannot be maintained.

64 Following the BICI Report, <http://www.bahrainmonitor.org/comments/c-033-01.html>.

65 Paris Principles, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

66 Human Rights Monthly Newsletter (Sep. 2013) http://www.nihr.org.bh/media/pdf/NIHR_NEWSLETTER_SEPT_2013_En.pdf.

67 Ibid.

68 Bradley McAllister, Bahrain opposition leader charged over meeting with SU diplomat, *Jurist* (July 12, 2014) (July 16, 2014) <http://jurist.org/paperchase/2014/07/bahrain-opposition-leader-charged-over-meeting-with-us-diplomat.php>.

69 H.M. the King: No Red Lines for the NIHR, *Bahrain Human Rights Monitor* (July 16, 2014) <http://www.bahrainmonitor.org/articles/a-018-01.html>.

70 Ibid.

The B-NIHR needs to be executively and administratively independent from the government in order to improve its standing and efficiency. It must establish its independence from the government such that it can manage its own affairs without interference from the government, either collectively or from individual government officials, including the King. Furthermore, the B-NIHR must ensure it follows proper procedures for appointing members and consider relevant factors such as competency, professionalism, and objective qualifications.⁷¹ It is recommended that members represent a wide range of organizations including unions, human rights organizations, academics, and journalists. Government officials should be included only in the capacity of monitors and advisors to the B-NIHR.⁷² The B-NIHR does not have this diversity or inclusiveness; rather, civil society activists and organizations remain distant from the B-NIHR.

2. Accountability and Public Reporting

The second core issue with the B-NIHR is its lack of accountability. This tangentially relates to the issue of its lack of independence from the Bahraini government; because the B-NIHR is not fully independent from the Bahraini government, the B-NIHR is not being held accountable for its lack of activity in preventing human rights violations and protecting human rights. Additionally, according to conversations that ADHRB had with several Bahraini human rights defenders, the people of Bahrain maintain significant distrust for the B-NIHR, thus damaging the ability of the public to hold the B-NIHR accountable and engage the organization. Public accountability is essential to the success of the B-NIHR, because it is the people who bring human rights issues to the attention of the B-NIHR; if the people do not trust the B-NIHR, they will not bring forward their issues.

To gain the trust of the public and prove that the Bahraini people can hold it accountable for its actions, the B-NIHR must take real and serious action to combat human rights violations. Furthermore, the B-NIHR must be transparent so that the public trusts its credibility and competence. It can accomplish these two tasks by intermittently releasing reports to the public to show that its activities and its progress are in line with the mandate and the objectives which initially established the B-NIHR.⁷³ These reports must be easily and openly accessible to the public, and the public must be and feel free to assess, praise, and criticize the B-NIHR for its activities without fear of reprisal from the government for doing so. In this regard, it is worth noting that the English version of the B-NIHR website is perpetually “under construction,” and thus not accessible to anyone who does not speak Arabic.⁷⁴

The Paris Principles actively encourage NHRIs to engage in public reporting.⁷⁵ Under *Competence and Responsibilities*, section 3(g) holds that it is the responsibility of an NHRI to “publicize human rights and efforts to combat all forms of discrimination . . . especially through information and education and by making use of all press organs.”⁷⁶ Section 3(d) also requires an NHRI to “contribute to the reports which States are required

71 Following the BICI Report, <http://www.bahrainmonitor.org/comments/c-033-01.html>.

72 Ibid.

73 Following the BICI Report, <http://www.bahrainmonitor.org/comments/c-033-01.html>.

74 See the English version, http://www.nihr.org.bh/EN/EN_Home.aspx, and the Arabic version <http://www.nihr.org.bh/> (July 11, 2014).

75 Paris Principles, Competence and responsibilities, § 3(a), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

76 Paris Principles, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

to submit to United Nations bodies and committees,” as well as other institutions, as well as expressing an opinion in certain situations.⁷⁷ Section (c) under *Methods of Operation* further requires the NHRI to “address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations.”⁷⁸ The B-NIHR has not publicly released annual reports or appropriately used the press to fulfill its mandate and protect human rights. If the B-NIHR continues to keep quiet and not inform the public of its activities or actions, it will never gain the trust of the public and can continue to act with impunity.

3. Accreditation with the United Nations

Third, the B-NIHR must actively and seriously seek UN accreditation and enter into full compliance with the Paris Principles. Thus far, the B-NIHR has yet to apply for accreditation, despite twice having made public commitments to do so over the last year. The continued failure to apply supports the theory that the B-NIHR has no intention to operate independently from the Bahraini government, and will continue to serve as a tool that the government uses to mask its human rights abuses. The mere creation of the B-NIHR does not necessarily signify a greater respect for human rights or willingness to reform; this can only come from positive action on the part of the B-NIHR to seek accreditation and compliance with the Paris Principles accompanied by evidence of real, independent investigations into human rights abuses and violations in Bahrain.

4. Detailed Examples of the Bahraini NIHR’s Lack of Engagement

Because the B-NIHR has yet to release a public report of its activities in the five years of its existence, it is difficult to judge the B-NIHR on past activity. However, because the Paris Principles obligate a compliant NHRI to undertake certain actions in defense of human rights, and additionally engage the public and keep the public informed regarding these activities, it is possible to judge the B-NIHR based on its inaction as well as its action. This is important, as the B-NIHR’s most significant shortcoming is that it repeatedly neglects to take action and fails to participate in or begin dialogue on legislation that would violate internationally protected human rights.

In addition to other requirements, the Paris Principles require that an NHRI give recommendations to the government concerning the ratification of additional human rights institutions. The B-NIHR has issued no such recommendations. The Paris Principles also require that a compliant NHRI contribute to the regular reporting of its parent country as mandated by ratified human rights treaties. Bahrain has never submitted a report to the Committee on Human Rights despite having acceded to the ICCPR in 2006. The country is additionally behind in its other treaty-mandated reporting.

Additionally, and perhaps most importantly, the Paris Principles require that an NHRI initiate proposals regarding legislation in violation of human rights and recommend the adoption of legislation that would comply with established international human rights law. The B-NIHR has not only failed to criticize legislation and government action that violates human rights, but has a time endorsed its passage. The following section

⁷⁷ Ibid.

⁷⁸ Ibid.

describes three situations in which the B-NIHR significantly failed to act.

a. National Legislation

In July 2013, the Bahrain National Assembly drafted a set of 22 recommendations it stated was intended to address the increased violence in Bahrain.⁷⁹ The recommendations give the government the power to arbitrarily arrest, detain and sentence any persons engaged in vaguely-described “terrorist” activities, which the recommendations do not define. At the time of their proposal, several prominent NGOs expressed concern that the laws would be used to persecute peaceful protesters and opponents of the government.⁸⁰ Despite the recommendations directly contradicting proposals made by the BICI,⁸¹ the king readily accepted the recommendations and quickly passed them into law.⁸² Since then, independent investigations conducted by ADHRB have found significant evidence that the Government of Bahrain has abused these laws to stifle dissent and criminalize protest.

On the day that the National Assembly promulgated the recommendations and asked that the King formally adopt them into law, the B-NIHR explicitly endorsed their passage.⁸³

b. Relationship with the Bahraini Ombudsman

Another failure of the B-NIHR is the fact that the Institute has not spoken out against the ineffectiveness and failure of the Bahraini Ombudsman itself. As presented in the first part of this report, the Ombudsman has failed to adequately demonstrate that it independently, effectively, and sufficiently investigates human rights violations in Bahrain.⁸⁴ As a protector of human rights, the B-NIHR should be focusing some effort on pointing out the faults in the Ombudsman mechanism.

As mentioned in a preceding section, the Bahraini Ombudsman released its first annual report earlier this year. While the Ombudsman hailed the report as a positive step in its advancement of human rights in the country, the few investigations discussed in the report were inaccurate and misleading. Among other failures, the report failed to address the issues of systemic enforced disappearances, arbitrary detentions, and practices of torture in Bahraini prisons. The B-NIHR’s failure to comment on the inadequacy of the report signals that the organization is unwilling to criticize other government institutions for their human rights-related deficiencies.

79 Recommendations of the Extraordinary Session of the National Assembly, <http://www.bna.bh/portal/en/news/573207>.

80 Joint Statement Expresses Concern about Human Rights Situation in Bahrain, Mission of the United States to the United Nations in Geneva (Sep. 9, 2013) (July 18, 2014) <https://geneva.usmission.gov/2013/09/09/joint-statement-expresses-concern-about-human-rights-situation-in-bahrain/>.

81 Bahrain Independent Commission of Inquiry, Report of the Bahrain Independent Commission of Inquiry. By Mahmoud Cherif Bassiouni, Nigel Rodley, Badria Al-Awadhi, Philippe Kirsh, and Mahnoush H. Arsaniani. Manama, Bahrain, 2011.

82 2013 Human Rights Reports: Bahrain, Embassy of the United States in Manama, Bahrain (Feb. 27, 2014) (July 21, 2014) <http://bahrain.usembassy.gov/policy/human-rights-report.html>.

83

84 See Section I on the Office of the Ombudsman of the Ministry of Interior.

Additionally, on 29 December 2013, the B-NIHR and the Bahraini Ombudsman signed a memorandum of understanding to further the “mutual coordination and cooperation” between the two offices.⁸⁵ The memorandum encourages the two offices to work together to achieve shared purposes. However, the Paris Principles and the B-NIHR mandate call for full independence from the government and governmental organizations. Although the Principles do recommend consultation with other bodies,⁸⁶ a memorandum of understanding goes far beyond the cooperation envisioned by the Principles and conflates the individual purpose of either organization. Further, substantial reason exists to doubt the independence and ability of the Office of the Ombudsman;⁸⁷ by formally partnering with a compromised Ombudsman Office, the NIHR gives further reason to doubt its own independence from the government.

c. The Recent Charges Brought Against Political Opposition Leaders for Holding a Meeting with a High-Level United States Diplomat

In July 2014, the U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski, met with members of the opposition political society *al-Wefaq*. Immediately following the meeting, the Bahraini government labeled Malinowski *persona non grata* and expelled him from the country.⁸⁸ Soon after, the government summoned Ali Salman and Khalil al-Marzooq, the two most senior-ranking members of *al-Wefaq*, to appear before a public prosecutor on criminal charges related to the meeting.⁸⁹ The government cited a law that it had passed on 4 September 2013, stating that members of the public and opposition political societies must seek permission from the Bahraini government before meeting with any representative of a foreign government and allow a government observer to attend any such meetings as the basis for taking action against Assistant Secretary Malinowski and members of *al-Wefaq*.⁹⁰ This was the first instance of the government enforcing this law despite its existence on the books for nearly a year.

B-NIHR failures are twice implicated in this series of events. First, as an NHRI, the B-NIHR specifically failed in its duty to speak out against the expulsion of Assistant Secretary Malinowski and the subsequent criminal charges levelled against *al-Wefaq* leadership. While the declaration of Assistant Secretary Malinowski as *persona non grata* does not specifically violate human rights, the act of punishing members of *al-Wefaq* for meeting with a foreign representative curtails the right to freedom of assembly. Additionally, by criminally charging *al-Wefaq* leadership for taking part in the meeting, the government further persecutes persons living in Bahrain for

85 NIHR and Ombudsman sign a memorandum of understanding, Bahrain News Agency (Dec. 29, 2013) (July 16, 2014) <http://www.bna.bh/portal/en/news/595301>.


86 Paris Principles, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

87 Section I.

88 Simon Henderson, Setback in Relations with Bahrain as Senior U.S. Official Expelled, The Washington Institute (July 7, 2014) (July 17, 2014) <http://www.washingtoninstitute.org/policy-analysis/view/setback-in-relations-with-bahrain-as-senior-u.s.-official-expelled>.

89 Bradley McAllister, Bahrain opposition leader charged over meeting with US diplomat, <http://jurist.org/paperchase/2014/07/bahrain-opposition-leader-charged-over-meeting-with-us-diplomat.php>.

90 Leave the Country!, <http://gulf-daily-news.com/NewsDetails.aspx?storyid=380687>; see also Ministry of Justice: Bahrain political societies may contact foreign political parties or organizations only after coordination with the Ministry of Foreign Affairs, <http://bna.bh/portal/en/news/577994>.



exercising their rights to freedoms guaranteed by the ICCPR and UDHR. By failing to comment, the B-NIHR fails to follow its mandate to guard against human rights abuses committed by the government.

Second, the B-NIHR once again failed to comment on the passage of legislation designed to limit human rights of persons within Bahraini borders. This represents at least the second occasion in which the B-NIHR failed to carry out its mandate, per the Paris Principles, to prevent legislation from passing that would restrict or violate human rights. In its silence, the B-NIHR has effectively endorsed this law, which is directly in conflict with the type of action and activity that an NHRI is established to undertake in the first place.

Conclusion

Overall, these two mechanisms installed in Bahrain to protect and promote human rights in the country and to stand up for those whose rights are violated are inefficient and inactive. Neither institution comports in any significant fashion with internationally established best practices; in fact, both institutions significantly struggle to fulfill their own internal mandates.

The most worrisome of departures from international norms concerns that of independence from the government. Neither the Office of the Ombudsman of the Ministry of the Interior nor the Bahrain National Institute for Human Rights has shown independence from the government or a willingness to take a stand against problematic government policy or action. Further, the personnel managing and involved in both offices are too closely related to government personnel, and each office appears to be not much more than a vehicle by which the Bahraini government attempts to show a willingness to cooperate and institute reforms. If these offices are to be effective in fulfilling their mandates, they must first establish independence from the Bahraini government. Members of each office should not feel pressure or influence in any way from the government. Moreover, the members of the organization should themselves be impartial and unaffiliated with the government; the Ministry of the Interior cannot adequately oversee itself, nor can the Office of the Public Prosecutor.

The establishment of human rights institutions in Bahrain is a single step in the right direction. Now that the institutions are established, however, their practices must be brought in line with international standards. Until the organizations begin to demonstrate that they can credibly tackle the human rights situation in the country and reform themselves in line with established international norms, they cannot be considered anything more than hollow institutions tasked with perpetuating the practices of the government they serve.

UPDATE **Response to B-NIHR Report**

In September 2014, the Bahrain National Institute for Human Rights (B-NIHR) publicly released an English translation of the official report that it submitted to the Government of Bahrain in January of the same year.⁹¹ The report details the B-NIHR's assessment of the human rights situation in Bahrain, examining not only specific situations and cases of human rights abuses but also thematic trends on which the B-NIHR is mandated to report. It documents individual instances of torture, arbitrary deprivation of liberty, enforced or involuntary disappearance, and denial of access to counsel, issuing recommendations that the government adopt practices towards alleviating and eventually eradicating the practices completely. However, while the report gives reason for cautious optimism, government reception of the report and practice when interacting with the B-NIHR continues to give cause for skepticism that the government will allow the B-NIHR to operate as a legitimate and accredited National Human Rights Institute (NHRI).

The B-NIHR's in-depth investigation of human rights conditions in Bahrain indicates that it can potentially function as an impartial observer. On several occasions, the B-NIHR noted that public security officers engaged in the improper use of force, including firing shotguns at point-blank range,⁹² firing tear gas canisters into closed places,⁹³ and throwing stun grenades dangerously close to pedestrians.⁹⁴ The B-NIHR additionally noted that it had received 27 complaints concerning Bahraini security forces torturing detainees,⁹⁵ and that the Government of Bahrain frequently violated the right of the accused to a fair trial.⁹⁶

In one notable instance, the B-NIHR investigated Bahrain's Jaw [Jau] Prison in the aftermath of an inmate riot in 2013. B-NIHR employees were able to meet with inmates and observe their living conditions at the prison, documenting numerous accounts of mistreatment and abuse at the hands of prison staff, including severe beatings, inhumane living conditions, and denial of legal council. The B-NIHR made several recommendations based on their observations there, such as allowing unfettered access to legal council, conducting family visits in a more orderly manner, and providing inmates with adequate health care. Unfortunately, the government had failed to respond to the B-NIHR's recommendations as of the time of the September publishing.⁹⁷

At the end of its report, the B-NIHR issued a series of recommendations that, if implemented by the government, would significantly limit human rights abuses in the country. Generally, the B-NIHR urged the government to expedite reform, train law enforcement officers in human rights, immediately announce the location of all detainees upon arrest, and ensure accountability for deaths in detention. Specifically, the B-NIHR urged the government to accede to several major instruments of international human rights law, including the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons from Enforced Disappearances. The B-NIHR also called for the re-naturalization of all persons arbitrarily deprived of their citizenship, and asked the government to consider allowing several Special Procedures of the United Nations to visit the country for assessments.⁹⁸

Not all of the report represented a positive step forward; other sections documenting the Bahraini government's interactions with the B-NIHR gave significant cause for concern. In the report,

91 National Institution For Human Rights, *Annual Report of the National Institution for Human Rights*, Document No. (A/HRC/WG.6/1/BHR/1), 2013.

92 Ibid, 25.

93 Ibid.

94 Ibid, 51.

95 Ibid, 56.

96 Ibid, 63.

97 Ibid, 42.

98 Ibid, 73.

the B-NIHR gave detailed statistics regarding its interaction with the Government of Bahrain through its own individual complaint process wherein it reported alleged human rights violations on behalf of potential victims. The statistics showed that the government was often unresponsive to the B-NIHR. By way of example, the B-NIHR authored 28 letters to the Office of the Public Prosecutor concerning alleged violations. It received 18 responses.⁹⁹ The B-NIHR sent 27 letters to the Ministry of the Interior, and received nine responses.¹⁰⁰ Of these complaints, the B-NIHR submitted 20 complaints to the public prosecutor and Ministry of Interior concerning torture. The B-NIHR received three responses abdicating the bodies of responsibility or determining that no rights had been violated. However, the public prosecutor and Ministry of Interior refused to comment on the remaining 17 cases,¹⁰¹ amounting to a response failure rate of just under 90%.

The report was additionally flawed in the manner that it attempted to whitewash previous B-NIHR activity. In the report, the B-NIHR stated that it had criticized government legislation that ran counter to established human rights law and Bahraini human rights obligations.¹⁰² This runs directly contrary to the B-NIHR's record; the report failed to mention that the B-NIHR specifically praised the national legislature for passing laws criminalizing protests in Manama.¹⁰³ The B-NIHR additionally failed to criticize the law increasing minimum sentencing standards for insulting the king of Bahrain. Since their passing, these laws have been used by government security forces to imprison hundreds of Bahrainis for engaging in their rights to the freedoms of expression and assembly¹⁰⁴ as guaranteed by the International Covenant on Civil and Political Rights, which Bahrain ratified in 2006.¹⁰⁵

The B-NIHR report's release came on the heels of an abrupt change in the B-NIHR's mandate, which the king of Bahrain signed into law in July 2014. Among other things, this revised mandate significantly mitigated the king's direct supervisory role over the B-NIHR by stripping him of the ability to remove recalcitrant members, thereby allowing the organization the space necessary for the independence required under the Paris Principles. The new mandate additionally made it more difficult for the government, and especially the Ministry of Interior, to oversee B-NIHR activity without a court order. However, the document still left space for government interference in B-NIHR functions by allowing the Office of the Public Prosecutor to oversee court-ordered investigations into B-NIHR activity. Then, too, while the mandate reformed the appointment process and made it easier for women and minority groups to find a place on the board, the document still invests the King with appointment authority. While the new mandate represents a positive step towards the organization's potential independence, these issues give cause for reservation on the subject of eventual accreditation.¹⁰⁶

Based on these findings as well as the information available in the B-NIHR report, it is fair to state that the institution still maintains significant flaws that render it unable to fully comply with the Paris Principles. While the B-NIHR report is a step towards acknowledging past human rights abuses, the report itself can have no impact on the human rights situation on the ground without the implementation of its recommendations. ADHRB is concerned that the B-NIHR, like the Bahrain Independent Commission of Inquiry (BICI) before it, is on track to become an outwardly legitimate organization that was formed with the purpose of easing political pressure on the Kingdom of Bahrain. If the institution hopes to attain accreditation status in the future, it must establish further significant reform and gain the support of the government in implementing its recommendations.

99 Ibid, 42.

100 Ibid.

101 Ibid.

102 Ibid, 22.

103 Ibid, 87.

104 Ibid, 36.

105 Ibid.

106 HM the King ratifies, issues law on NIHR establishment, Gulf Daily News (July 24, 2014) <http://www.bna.bh/portal/en/news/627201>.

Recommendations

For the Bahraini Ministry of Interior Office of the Ombudsman:

1. **With the goal of complying with the BICI recommendations, IOI standards, and self-reported standards:**
 - a. Establish independence from the Bahraini Ministry of Interior (MOI) by ensuring that present and future staff members remain autonomous from the MOI and other branches of government; and
 - b. Establish independence from the MOI by replacing staff who have previously been directly or indirectly associated with the MOI or other branches of government;
 - c. Address issues of MOI control over Office activity by reforming the mandate to allow for simultaneous investigation alongside the Special Investigative Unit and to permit criticism of the MOI policies and practices without consideration for Ministry reputation;
 - d. Conduct investigations into detention centers and other MOI-associated facilities by producing independent documentation and reporting without significant reliance on MOI-generated documentation.
2. **Ensure the effectiveness of the Ombudsman by improving the complaint program:**
 - a. Respond to all complaints in a meaningful and timely manner;
 - b. Address all allegations arising as a result of the complaint process, including those indicating instances of torture and arbitrary detention;
 - c. Visit places of detention where complaints indicate mistreatment of prisoners, specifically including the Criminal Investigatory Directorate, Dry Dock Detention Center, Airport Prison, and Riffa Police Station; and
 - d. Revise the complaint form to ensure anonymity of complainants and shift the burden of documentation from the victim to the Office.
3. **Create transparency by producing an annual report comprehensively addressing *all* issues of concern in the Bahraini detention system:**
 - a. Adequately address all issues raised via the complaint program, including issues concerning torture and other ill-treatment or abuse; and
 - b. Focus on comprehensive issues concerning legality of detention; and
4. **Guarantee transparency in the Office's relationship with the international community, including the IOI.**

For the Bahrain National Institute for Human Rights (B-NIHR):

- 1. With the goal of establishing compliance with the Paris Principles and obtaining accreditation with the United Nations International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs):**
 - a. Establish independence from the Government of Bahrain by ensuring that staff members are not influenced by government pressure and replacing staff that currently hold or recently held government positions, especially those relating to law enforcement, public prosecution, or the Ministry of Interior;
 - b. Guarantee government funding for the institute without government input on institution activity;
 - c. Adopt and implement strict criteria regarding recruitment and appointment for membership within the institution, including standards dictating that future members cannot have held a government position within the last four years and cannot have been directly implicated in human rights infringement and abuses; and
 - d. Provide members of the B-NIHR with immunity from government prosecution for activities undertaken in carrying out their duties as B-NIHR members.
- 2. Ensure transparency by continuing to publicly release annual reports on institution activity and composition.**
- 3. Facilitate cooperation with the international community:**
 - a. Coordinate with international human rights organizations to bring institution practices in line with international human rights standards;
 - b. Invite foreign delegations and non-governmental organizations to observe and support B-NIHR activity and to report on the human rights situation in the country; and
 - c. Continue to pressure the Government of Bahrain to allow formal country visits by the Special Procedures of the United Nations, including the Special Rapporteur on torture and other cruel, unusual, or inhuman treatment or punishment; and
- 4. Discharge the mandate of the organization by proactively and publicly condemning any government action that violates international standards of human rights.**

For the international community:

- 1. Request that the Government of Bahrain effectively establish and respect the independence of the Office of the Ombudsman of the Ministry of Interior and the B-NIHR;**
- 2. Raise awareness of the status of the current institutions as non-functioning entities in international forums, including the United Nations Human Rights Council; and**
- 3. Request permission for an official visit to Bahrain in order to independently evaluate and report on the efficacy of its human rights institutions.**

Appendix 1

The following cases represent summaries of allegations that ADHRB has filed with the Ministry of the Interior's Ombudsman on behalf of potential victims in Bahrain. The allegations are presented as told by the victims or their families, and as such represent the testimony of such persons. They are unaltered except in such a manner necessary to anonymize the potential victim and maintain appropriate brevity.

Case of Mr. A

Mr. A is a minor and an American citizen. 10 March 2014, Bahraini security forces arrested Mr. A. They believed he was attending an illegal protest. During the arrest, Bahraini security forces beat Mr. A. They took him to Juffair police station, where they threatened to beat him with a plastic hose if he did not confess to owning the weapons and he falsely confessed to owning the weapons. The MOI first allowed Mr. A's family to visit him on 17 March. He is currently being held in Dry Dock detention center pending his trial and his medical needs are not being treated.

Case of Mr. B

Mr. B is an older Bahraini citizen who disappeared for approximately three months, during which time he was tortured. After three months, Mr. B was convicted and transferred to Jaw Prison. During his time in Jaw Prison, Bahraini security forces have refused to treat Mr. B's medical conditions. His family and friends fear that he will die without proper medical care for his condition.

Case of Mr. C

Mr. C is a middle-aged Bahraini journalist. On 16 May 2012, Bahraini Ministry of Interior officers forcibly entered Mr. C's home without a warrant and arrested him. MOI officers transported Mr. C to the Criminal Investigatory Directorate (CID) building where they tortured him. They beat him, humiliated him, and threatened him with sexual abuse and rape. They severely beat his head, face, and chest. They left him in a cold, dark room for hours at a time. A MOI officer forced Mr. C to sign a confession. Mr. C maintains that he is innocent of all charges.

Case of Mr. D

Mr. D is an older citizen of Bahrain. Mr. D was abducted, taken to a military detention center, and tortured. Throughout the remainder of his detention the guards continued to torture Mr. D. While he was occasionally allowed visits with his family, the guards always tortured him upon his return to his cell. Eventually, Mr. D was tried and convicted based on false confessions obtained by the use of torture. Mr. D is currently serving his sentence at Jaw prison. Since his conviction, Mr. D has received a medical check-up and been told that his cancer has returned. He has been denied access to medication in order to treat his cancer.

Case of Mr. E

Mr. E is a minor Bahraini male. On 23 July 2012, Mr. E disappeared for a period of 48 hours. After his torture and resulting false confession, Mr. E was placed in Dry Dock Prison where he was kept in a cell with convicted criminals and was only allowed out of his cell once per week. He could not be tried until after his initial 60-day detention had completed. Once his trial began, he remained in Dry Dock prison until its conclusion. On 14 May 2013, Nabeel Rajab, the imprisoned President of the Bahrain Center for Human Rights, stated in a telephone call that he had witnessed Bahraini prison guards torturing Mr. E. Mr. E is currently serving his sentence at Jaw Prison.

Case of Mr. F

Mr. F is a Bahraini citizen. On 2:00 AM on 4 March 2014, Bahraini security forces arrested Mr. F without a warrant. After his arrest, Bahraini security officers transported Mr. F to the Criminal Investigatory Directorate (CID) building in Adliya. Bahraini security officers tortured Mr. F by beating him on multiple occasions, specifically focusing on beating and kicking his face, head, ears, and sensitive areas. The security officers additionally subjected him to severe sexual abuse; they stripped him of his clothes and sodomized him. Eventually, the authorities transferred Mr. F to Dry Dock prison. Two weeks after his arrest, the government allowed Mr. F's family to visit him. Mr. F is currently detained in Dry Dock detention center pending the resolution of his trial.

Case of Mr. G

Mr. G is a minor and citizen of Bahrain. On 8 January 2014, Bahraini security forces shot and injured Mr. G during the violent arrest of his friend. Mr. G remained disappeared for 15 days and is currently at al-Qala'a hospital, the Ministry of Interior's (MoI) hospital for detainees. Mr. G's health condition is worsening. Although his health is deteriorating, authorities have denied Mr. G's family access to his medical records. Currently, Mr. G remains in detention, without any charges having been brought against him.

Case of Mr. H

On 3 March 2014, at approximately 1:00 PM, Bahraini domestic security officers raided Mr. H's family home. They arrest him without a warrant and transported him to the Riffa Police Station. Security officers periodically transferred Mr. H to the Criminal Investigative Directorate (CID) building. Bahraini security officers tortured Mr. H at both of these locations. Mr. H's family was first allowed to visit him at the CID building on 23 March 2014. The government is charging Mr. H with assembling a remote-controlled bomb that detonated on 3 March 2014, killing three officers in the area where Mr. H lives. Mr. H is illiterate, does not possess the skills necessary to create such a weapon, and states that he was at a friend's house at the time of the detonation. Mr. H is currently detained at Dry Dock and it is feared that he was tortured in order to obtain a false confession for use in his pending criminal trial and that a Court will allow this into evidence.

The Case of Mr. I

On 28 May 2013, Bahraini security officers dressed in civilian clothes raided Mr. I's family home and arrested him without a warrant. They took Mr. I to the Criminal Investigative Directorate building (CID) and severely tortured him. An identified member of the office of the public prosecutor (*name omitted*) interrogated Mr. I and charged him with committing acts of violence, possessing Molotov cocktails, rioting, and attacking policemen. Security personnel forced Sayed to read a scripted confession, and a security officer recorded this encounter. Based significantly on Mr. I's coerced confession, the public prosecutor ordered Mr. I detained pending trial. During his trial at the Court of Cassation, the public prosecutor offered and the Court accepted Mr. I's coerced confession into evidence.

Case of Mr. J

Mr. J is an American citizen. On 7 October 2012, at approximately 2:00 AM, seven masked men dressed in civilian clothes and one man in the uniform of a security officer entered Mr. J's and arrested him without warrant. After 22 hours of searching, Mr. J's mother learned that Mr. J had been arrested by Bahrain's Criminal Investigative Directorate (CID). CID officers tortured Mr. J. Bahraini forces did not allow Mr. J access to an attorney. Because of this torture, Mr. J falsely confessed on tape to the crime of assaulting a police officer. Security forces transferred Mr. J to Dry Dock where he was denied medical treatment. On 24 September 2013, a Bahraini court used the false confession to sentence Mr. J to 10 years in Jaw Prison.

Case of Mr. K

Mr. K is a Bahraini citizen and opposition political activists. On 14 November 2012, Bahraini authorities ambushed Mr. K and arrested him without a warrant. Bahraini security forces disappeared Mr. K for eight days. On the eighth day, they allowed Mr. K to call his family to tell them that he was in the Criminal Investigatory building (CID). Bahraini security forces severely tortured Mr. K. The public prosecutor interrogated Mr. K, tortured him, and threatened him at gunpoint. The public prosecutor forced Mr. K to sign a false confession. Mr. K was first allowed contact with his lawyer 45 days after his initial arrest. The Bahraini government tried Mr. K in a Bahraini criminal court and sentenced him to 15 years in prison based on his false confession. Mr. K is currently serving his sentence in Jaw Prison.

Case of Mr. L

On 27 March 2011, Bahraini security forces raided Mr. L's apartment and arrested him without a warrant. They later made Mr. L sign a document, under torture. He was eventually taken to Dry Dock Detention Center and the first time his family was allowed to see him was four months after his enforced disappearance. The Bahraini security officers subjected Mr. L to physical and psychological torture. Three months after his arrest, the government charged Mr. L with kidnapping a policeman. On 4 October 2011, a military court sentenced Mr. L to 15 years based on little evidence, a contradictory witness statement, and despite the fact that the policeman in question did not recognize him. After his sentencing, Bahraini forces moved Mr. L to Jaw Prison where they continue to torture him.

Case of Mr. M

On 18 August, Bahraini security forces arrested Mr. M on the street. Before and during his arrest, Mr. M was feverish and displaying symptoms of his disease because he was dependent on a specific AIDS medication. After the arrest, the public prosecutor ordered Mr. M to be transferred to Dry Dock Prison for 45 days. The Bahraini authorities refused to give Mr. M his medicine since he had been detained. Mr. M's family brought his medicine to Dry Dock but the Bahraini authorities did not allow it to pass to him. On 12 October 2013, Mr. M died prematurely of AIDS.

Case of Mr. N

On 3 March 2013, Bahraini security officers surrounded Mr. N's home with approximately 15 special forces vehicles. The security officers forcibly entered the home in search of Mr. N. Upon locating Mr. N, the officers arrested him and started beating him. Bahraini security forces disappeared Mr. N until 23 March. Throughout his abduction and his detention, Bahraini security officers severely tortured Mr. N. They punched and kicked him all over his body, including on his face. They used electric shock on Mr. N and beat him on his genitals. As a result of his torture and abusive treatment, Mr. N suffered serious injuries that required medical attention. Mr. N was transferred to a hospital for a surgery to treat his internal bleeding. Bahraini security personnel forcibly discharged Mr. N despite the doctor's objections. Mr. N was not allowed to see or speak to his lawyer for three months after his initial detention, and missed at least three hearings. Mr. N is currently detained in Jaw Prison awaiting trial. Bahraini security forces continue to deny him medical care.

Case of Mr. O

On 9 January 2014, Bahraini security forces entered the home of Mr. O's relative and arrested Mr. O. Outside, an identified National Security Agency officer (*name omitted*) was waiting for Mr. O and held a gun to Mr. O's head while he put him on the phone with "the boss." The voice on the other end threatened to kill Mr. O if he did not state where he hid the weapons. When Mr. O said that he did not have any weapons, the security forces handcuffed him and shoved him into a car. At the Criminal Investigative Directorate (CID), thirteen security force officers began beating Mr. O simultaneously. The officers severely tortured Mr. O. They hung him from his arms, sexually assaulted him, and used the waterboarding technique on him. Mr. O never received any notification or summons for the court hearings that took place during his enforced disappearance. The security forces prevented him from going to court.

Case of Mr. P

On 7 November 2012, Bahraini security forces entered Mr. P's home in the middle of the night and arrested him. They disappeared Mr. P for three days, after which period they allowed him a very brief phone call to tell his family that he was alive. During Mr. P's interrogation, Bahraini security officers beat him with their hands, wooden sticks, and plastic hoses, focusing on his face, head, fingers, and testicles. The security officers stripped Mr. P completely naked and sexually assaulted him. At one point, the public prosecutor threatened to kill Mr. P by shooting him with a gun. Security forces forced Mr. P to sign a confession stating that he had been involved in a terrorist plot, and at another point forced him to make a video-taped confession to planting a bomb. Mr. P was never allowed an attorney during this time. In convicting Mr. P, the court relied substantially upon his forced confession.

Appendix 2

Asking for complainants' personal information, including personal address, prevents the Ombudsman's form from being impartial and confidential by raising the possibility of retaliation against others living in that building. It discourages complaints out of fear of government retaliation for having publicly raised allegations of mistreatment.

The defendant's personal details are often unknown. In cases of torture and other ill treatment, a vehicle number or military rank is often impossible to obtain.

Past breaches of public trust, including retaliations against witnesses at trial, discourage complainants from providing the names of witnesses and lowers the effectiveness of the complaint form.

The form is titled '1. Complainant's Personal Details' and includes a 'Reference Number' field. It contains the following sections:

- 1. Complainant's Personal Details:** Fields for Name, Nationality, Villa/House/Building (with a 'Flat' checkbox), Block, Governorate, Occupation, CPR, Mobile/Home Phone, Road, Area, Email, and Employer.
- In case the complaint is filed by an agent on behalf of the complainant, please provide the following information:** Fields for Name of the Agent, Status, CPR, and Mobile.
- 2. Defendant's Personal Details:** A note asks for details to identify Ministry of Interior employees. Fields include Name, Vehicle No., Military/Rank Number, and Division. There is also a section for 'Any Specific Information'.
- 3. Information about the complaint:** Fields for Date, Time, and Site of the Incident. It includes a section for witnesses: 'Are there witnesses?' (Yes/No), 'Name of the first witness' (with Mobile Number and CPR), and 'Name of the second witness' (with Mobile Number and CPR). It also asks 'Have you made his complaint to any other relevant body?' (Yes/No) and includes fields for Agency/Office, Date, and Ref. No.

Migrants do not have CPR numbers, eliminating a large segment of the population of Bahrain from eligibility to register a complaint.

Given the history of the government targeting protestors' jobs when retaliating against human rights defenders, requesting the information of a complainant's employer is a clear deterrent to filing. It has no relevance to the form other than to intimidate potential complainants.

This creates an unreasonable burden for agents out of the country, especially NGOs, who are unlikely to be able to obtain the complainant's CPR number.



مملكة البحرين
Kingdom of Bahrain

الأمانة العامة
للظلمات
OMBUDSMAN
وزارة الداخلية
Ministry of Interior



4. Detailed facts of the Incident

- Please outline the issue of your complaint. Describe the conditions that have led you to feel the conduct of the Ministry of the Interior employee was inadequate.
- Provide specific details about what was said and done.
- Mention any information on evidence relevant to your complaint.
- Mention the psychological and the physical damages.

I the undersigned hereby certify that all the information I provided or endorsed for investigation is correct. I am willing to be summoned for investigation at any time.

Signature _____ Date _____

• Complaints should be sent to the following email address : (complaints@ombudsman.bh)
• For information or enquiries please call : (00973-17963000)

Documents to be included:

1. A copy of the CPR
2. Any evidence relevant to the complaint

Office Use

Person who received the complaint	_____	Date the complaint was received	_____
Reference Number	_____	Form the complaint was received	_____
Person who checked the complaint	_____	Person who reviewed the complaint	_____
Action Taken	_____		

The phrasing that complainants must be "willing to be summoned for investigation at any time" is poorly-worded and has the potential to be easily abused. Complainants will often refuse to sign their names out of fear that the government will retaliate. Additionally, complainants external to Bahrain filing on behalf of a domestic victim will likely experience difficulty meeting the standard of summoning.



**Americans for Democracy
& Human Rights in Bahrain**

www.adhrb.org

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY

